DOCUMENT RESUME

ED 184 422 HE 012 438

AUTHOR	Kershaw, Joseph A.
TITLE	The Federal Government and Wiliams College.
INSTITUTION	Williams Coll., Williamstown, Mass. Roper Public Opinion Research Center.
SPONS AGENCY	Sloan Commission on Government and Higher Education, Cambridge, Mass.
PUB DATE	Sep 77
NOTE	44p.: For related Sloan Commission documents, see ED 161 306, ED 176 679, ED 179 174, ED 180 273, HE 012 421-427, HE 012 429-432, HE 012 434-439, HE 012 442-445, HE 012 448-449, HE 012 465-474, HE 012 476-480, HE 012 482-490.
EDRS PRICE	MF01/PC02 Plus Postage.
DESCRIPTORS	Academic Records: Accessibility (for Disabled): Affirmative Action: Case Studies: College Students: *Compliance (Legal): Disabilities: Employment Practices: Federal Aid: Federal Legislation: *Federal Regulation: Financial Support: *Government School Relationship: Grants: *Higher Education: Institutional Autonomy: Institutional Research: Personnel Policy: Privacy: Research Projects: Safety: *Self Evaluation (Groups): Student Financial Aid: Work Environment
IDENTIFIERS	*Sloan Commission Studies: *Williams College MA

ABSTRACT

A self-study conducted at Williams College to examine the relationship between the college and the federal government, with emphasis on recent years, is described. The following issues are covered: affirmative action and issues of hiring and pay, other new laws and regulations such as the Buckley Amendment and the Occupational Safety and Health Act (OSHA), new entry by established federal agencies such as the Internal Revenue Service, and federal funds going to the college. Opinions were solicited from the college president and key academic and nonacademic staff members. Affirmative action and equal rights laws and regulations have added to the workload of college employees, caused some changes in procedures, and generated sizeable files. The impact of affirmative action on the college's hiring is difficult to assess since the school actively began searching for women faculty members in connection with the decision to become coeducational in 1969. The annual preparation of the "Higher Education General Information Survey" involved considerable time, and unfortunately the information from the survey has not met other reporting or assessment needs. Regulations from the Environmental Protection Agency have required the college to make improvements that were needed but which the college had not established as top priority. OSHA has now become a part of life in the college's buildings and grounds department. It is suggested that requirements to provide access to education for the handicapped bring up the question of whether older buildings need to be put into conformity. Federal funds for student aid and research grants are discussed. (SW)

ED184422

The Federal Government and Williams College

A Report To

The Sloan Commission

on

Government and Higher Education

PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY

Sloan Comm

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC).

U.S. DEPARTMENT OF HEALTH EDUCATION & WELFARE NATIONAL INSTITUTE OF EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY.

by

Joseph A. Kershaw

HE 012 438

Williamstown, Massachusetts

September 1977

The Federal Government and Williams College

I. Introduction

Williams is a private, non-sectarian, coeducational, selective college with about 1900 undergraduates. It is heavily endowed, and hence high cost. It regards itself as a teaching institution of high quality. Its principal peers are Amherst College in Amherst, Massachusetts, and Wesleyan University, in Middletown, Connecticut; together they with Williams are known as the Little Three, after the Big Three of the Ivy League.

There are two graduate programs at Williams - one a master's degree program in art history and one a development economics master's degree program. But together these enroll only some thirty new students each year and their modest size reflects the determination of the institution to remain essentially undergraduate, and to emphasize excellence in teaching. Nonetheless, its faculty of some 200 (many of whom are on leave at any one time) typically is interested and engaged in research, and publishes articles and books in quantities that are quite respectable. There is also a tradition of

faculty participation in public affairs and many leaves are spent in government service, both abroad and in the U.S.

Founded in 1793, the College until recently enrolled only men, and by the late 1960's had grown very gradually to an enrollment of about 1200. At that time a major decision was taken to move to coeducation, and to do so by adding 600 women students over a four year period to its 1200 men. This change was made as planned between 1970 and 1974. The planned ratio of two men to one woman was achieved, but has been allowed to drift down since in accordance with the general quality of the applicants. The entering class in the fall of 1977 is about 55 percent male and 45 percent female, and over time the entire undergraduate body will probably approach that ratio. In a careful self-examination in 1975 the college concluded that the move to co-education and to a larger size had been successful, though the increase in size did bring some new problems.

Long known as a college for the rich, Williams, along with many other similar institutions, moved toward a more heterogeneous student body after World War II. It increased its commitment of scholarship funds and by now a third of its student body is

receiving financial aid. It also began to try to attract black students, and in the academic year just ended some 125 black students were enrolled. Getting and holding black students has been an unending struggle, partly because academic standards are high and partly because Williamstown is a small, almost rural, town, rather isolated and with almost no black community of its own.

With the move to coeducation it became especially important to recruit women faculty members, of whom there were almost none when the college was all male. Considerable success has been achieved at the assistant professor level, and there are now 20 women assistant professors out of a total of 85. At the tenure level progress has been less marked, since it is seven years after entry that one achieves or does not achieve tenure. There are now three tenured women. As was to be expected, some disciplines have been able to appoint more women than others. History, Art, and English have had marked success; physics has hired none, and economics has hired two over the past seven years.

Black faculty have been more difficult to attract and hold. Those who have joined the faculty -

and there have been some outstanding scholars - tend to move on to larger institutions in urban locations. Like many black students, they find a rural white setting uncongenial, or perhaps unrewarding, in the longer run. They are of course highly marketable as well.

In the year ended June 30, 1976, the College's total revenue and expenditures were in approximate balance at some $16 millions (of this, about $3.5 million were attributable to auxiliary enterprises). Educational and General expenditures therefore were some $6600 per student (contrast this with Miami-Dade County Community College which has $46 million budget and 55,000 students, or $835 per student!). Tuition covered about half the student's costs, gifts and grants about a quarter, and endowment income the other quarter.

The federal government's participation for that year amounted to about $240,000 in research grants and about $190,000 in various forms of student aid (BEOG, SEOG, NDSL and Work Study). The total of these in 1976 - $430,000 - was of great importance to the institution and its faculty and students, even though as a share of Educational and General expenses it comes to only three percent.

Incidentally, the size of federal grants for student aid has been growing considerably in recent years. Research grants vary a good deal from year to year, depending as they do on the skill and luck of a small number of faculty members in applying (mostly to NIH and NSF) for grants. One new large grant, or the end of one, can cause substantial variation. With that caveat, no trend over the last half dozen years seems apparent - a modest decline in the total for 1975-76 appears to be temporary only.

Perhaps these introductory and explanatory notes will serve as background for the analysis that follows. Our task is to examine the relationship between the federal government and Williams College, with emphasis on changes that have taken place in recent years. These relationships are many-sided. They extend from new requirements for safety in construction and maintenance to added federal funds for student aid to anti-discrimination procedures in hiring. We have decided to discuss the issues in four groups: (1) Affirmative action and issues of hiring and pay, (2) Other new laws and regulations such as OSHA and the Buckley Amendment, (3) New entry by established federal agencies such as IRS, and (4) Federal funds flowing to the college.

We will end with an attempt to sum up, saying what we can about how the costs and benefits shake out.

In the conduct of the study we met first with the President and his key staff members, both academic and non-academic, to explain what we were trying to do. Each of these staff members then prepared a memorandum detailing what federal activities affected his jurisdiction, how he reacted, whether he thought the aim of the federal government made sense and whether the law or regulation was achieving that aim at Williams College. This was followed by interviews with each staff member, the collection of data where needed, and additional follow-ups. Finally, when a first draft was prepared it was circulated for comment on accuracy of fact or impression. It goes without saying that the generosity of these dozen or so people made the study possible and we are pleased to acknowledge our indebtedness to them.

II. Affirmative Action, Equal Pay and All That

The impact of affirmative action on the College's hiring is not easy to discern. It is confused by the fact that the decision to become coeducational, taken in 1969, included the decision to add women to the faculty. An active search for women began, therefore, before federal regulations required it, and for motives bound up with the College's perception of its own self-interest in a new academic situation. What affirmative action (and the feminist movement in general, it might be added) did was to add formality to the hiring process, including a substantial increase in record-keeping.

Affirmative action has made the College more attentive to the process by which it hires faculty. It has made hiring more complicated and more prolonged than it had been. All involved have been at pains to locate new sources of candidates and to "make a good showing" in case question is ever raised about the good faith of the institution in searching for women and minorities.

In implementing these notions of the Office of Dean of the Faculty has entered the faculty hiring

process much more than in the past. It requires departments to advertise vacancies nationally, it is in touch with HERS (Higher Education Resource Services), and it has forwarded a descriptive list of all openings to the placement offices of the twenty-one graduate schools that together train most of the minority candidates for academic positions. It requires a detailed report of the results of the hiring season from each department, including the number of applications received, the number interviewed, the number of offers extended and accepted, and so on, all by sex and by minority status.

There are some consequences to all this. One is that the hiring season has become prolonged. Being sure that appropriate advertising has appeared and that there has been time for response takes time. Last Spring ads in the Black Scholar were apparently two months in arrears. In May of 1977 12 percent of the College's appointments for 1977-78 had not yet been made; five years ago the end of February would have seen all hiring completed.

Another consequence is cost. Not only are there costs in advertising, but more candidates are brought to the campus in order to be sure the choice is wide. In 1975-76 the College made 26 regular

appointments to its faculty. That year 2572 candidates applied and while no such counts were made in earlier years, the number would have been a fraction of that number. Furthermore, the expense of bringing more candidates to the campus has risen sharply. In 1975-76 the College spent $25,732 in hiring those 26 people; in 1971-72, when 26 regular appointments also were made, the total was $16,227. In those four years the advertising costs rose from $15 to $2557.

Two additional costs, both difficult to measure, are in correspondence and filing and compiling of records, both in the academic departments and in the central administration, and in the amount of faculty time spent reviewing applications and interviewing candidates. A look at the experience of one of the largest departments may be instructive. The economics department has some 17 faculty members. For 1977-78, through an unusual set of circumstances, it had to hire six new people. Advertisements were placed in JOE (Job Opportunities for Economists), Job placement of Caucus of Black Economists, Chronicle of Higher Education, Black Scholar, Job Placement Office of National Economic Association, and the American

Economic Association Newsletter on the Status of Women. Several women responded; no black did.

The department received 238 applications; to each a letter of response was sent. There were 85 interviews, mostly at the annual economics meeting, twelve were invited to the campus, nine offers were made and 6 accepted. One of the 85 interviewed was black; he was not one of those invited to the campus. Two of the 12 invited to the campus were women; to one an offer was made but she went to Rutgers. One other woman, whom the preliminary interviewers liked very much, declined an invitation to come to the campus, accepting a job at Barnard.

The crucial question is whether this all makes any difference. Are the people who end up on the faculty different from (and better than) those who would have been hired a decade ago? The economics chairman, after considerable thought, concluded that this year at any rate the same six people would in all probability have been chosen. The Dean of the faculty, trying to think about the experience of all hiring departments, thought of one person of great promise (a white male incidentally) who was turned up and hired and would very likely have been missed in the old informal days.

So it probably has not made a great difference, at least so far. Since there is clearly added work, frustrating detail, and a real element of pretense in it, one might have anticipated some strong negative attitudes. But such is not the case. The added effort is real and the extra cost is too. But these are not regarded as overwhelming. And on the other side there is a feeling that "it is good that we are forced to be more thorough, that the whole process requires more attention, and that we are casting a wider net and thus being assured that we aren't missing anyone out there." One gets the impression that if all the laws and regulations were to vanish overnight, most of the new hiring procedures would remain.

We need to say a word about equal pay. With regular new full time faculty this has never been an issue. At the beginning of a hiring season the offering salary for each department is authorized. Occasionally this will be modified slightly for an outstanding candidate, but race or sex has no role in this except to the extent that outstanding women or blacks enjoy a privileged market position. For the occasional candidate at a senior level, negotiations are ad hoc and affected by market conditions.

The relative scarcity of outstanding women or blacks might result in a higher entering salary, but this would be because of the market. And it would be very infrequent.

The College was affected in some of its part time faculty posts. For many years it had been the practice to hire an occasional faculty wife (in those days faculty spouses were always wives) to teach a section of introductory French or discussion section in Introductory Art History. These were talented women who wanted "something to do" and might even offer to do it for nothing. The College would take them on at low salary, where it would not have hired a "regular" person at a higher salary for the slot. These salaries were out of line and the equal pay provision has effectively eliminated the practice of using such people.

For non-academic personnel affirmative action creates some difficulties and some uncertainties. The College operates in a national market for its faculty. But its several hundred custodial, clerical, dining room and other employees are recruited locally. The local market has only 1.7 percent blacks, essentially no Chicanos or native Americans. As one employer puts it "the community

in general is untouched by the notion that any job can be filled by a man or a woman." Women do not apply for jobs as laborers, nor men as stenographers. Kitchen jobs and some sorts of custodial work are performed by both men and women, but local labor is not particularly venturesome in challenging the traditional sex barriers. Much help wanted advertising therefore brings responses from only one sex. At the College no regularly employed woman works on the grounds, and no man does clerical administrative work, and there is always the uncertainty that the EEOC in its wisdom will view this as proof of sexual discrimination.

Indeed, one of the non-quantifiable costs of affirmative action is uncertainty as to whether one is in compliance or not, and uncertainty therefore as to whether one should make an expensive change in employment practice. This uncertainty is particularly unpleasant when the enforcing agency is regarded as being unsympathetic and non-understanding, as they have been regarded at times. The College's experience in completing form EEO-6 caused considerable administrative turmoil, and several College officers objected to the imposition of the racial-ethnic classification scheme for all students and employees.

We conclude this section with a few words about Title IX. Many institutions are having trouble with this title with respect to their athletic programs. Williams is not, in good part because the decision to go coeducational included the requirement that a comprehensive women's athletic program - intramural, intercollegiate and physical education - be developed. This has been done and the College feels that the women's program - except of course for football - is now essentially comparable to the program for men. We might note that here again this was planned and implemented before Title IX came into existence. It may be relevant, too, that since there are no athletic scholarships at Williams, equal treatment has been simpler to achieve.

By way of summary, affirmative action and equal rights laws and regulations have had some impact on the College. They have added work for a lot of people (including the Dean's "several days before I finally <u>think</u> I understand Title IX"), have caused some changes in procedures, and have generated sizeable files just in case "they" come around. But the thrust of equal opportunity is one the College embraces, partly because it is right and partly because coeducation and minority education will not work without it. There is some resentment toward

the government's attitude which at times has been perceived to be a conviction that the College wants to discriminate and would if big brother were not watching.

III. Other Laws and Regulations, Mostly Recent

(a) The HEGIS Reports

Within the last ten years, an annual ritual in higher education has been the preparation of the Higher Education General Information Survey (HEGIS). At one time this was a substantial chore; by now most of it has become more or less routine. It continues to involve a number of different administrative officials - the Business Officer, the Registrar, the Librarian, the Buildings and Grounds Director, and the Provost - and there continue to be irritating changes from year to year. There seems frequently to be no reason for the changes, "except to make more work for us," and much of what is required is not in a form to be useful locally. For example, a change in the library form now requires holdings to be reported by title; the College does not keep records this way, and it is estimated that 200 hours of student labor this summer will be required to assemble information for this new section of the HEGIS report.

The worst experience with HEGIS was in connection with the Facilities report some years ago. Several hundred hours of professional time were required to compile an early report, and about two years later an

update with substantial changes was requested. After estimating that the changes would take a another 200 hours, the College decided to refuse to participate. This it did, for the first and only time.

To summarize, by now the HEGIS report is not a substantial burden. Officials at the College regret that its compilation has not eased, as much as had been hoped, the burden of other requests for information. That is to say, it had been hoped that the process of pulling HEGIS information together would provide a ready source to meet other requests. Somehow this has not happened, or at least not to the extent that had been hoped.

Similarly, the College had expected that the HEGIS data would serve local campus purposes. But for the most part the data are not in a form to be most useful to Deans, Provosts and Presidents. Finally, HEGIS compiles manuals and distributes them to colleges and universities. Williams finds these too bulky and detailed to be useful and not very relevant to its own management purposes.

(b) The Buckley Amendment

This is the short name for the Family Education Rights and Privacy Act. It is an attempt to assure

that inaccurate material does not enter and remain in a student's record. It bears principally on the business of faculty recommendations for students who go on to graduate or professional schools or to a job, and on communication with parents by Deans. At a relatively unimportant level it adds paper work to the whole process: there is now a form on which students may waive their right to see what is written about them, and sometimes the student wants to talk about the pros and cons of waiving. This does not take much time but since the number of recommendations written is substantial the total time required is not trivial.

In the event, almost all students do sign the waiver. The question therefore is whether the Bulkley amendment really accomplishes anything. It has stirred up emotions, and fears of libel suits, among some faculty members. These tend to write the blandest of recommendations, staying close to actual facts, and tend to distrust recommendations they receive - for example from graduate school professors writing about an applicant for a teaching post. Others say they do not feel constrained, that they only write the truth anyway, and would never have objected to having their recommendations read by the person they write about.

The Buckley amendment requires the establishment of a hearing procedure when allegations of incorrect records are made. The College has established such a procedure, and publicized it on the campus. It has never been used since there has been no such allegation, at least as yet. Indeed, the number of students asking to see their records has been very small. The students appear to be quite indifferent about the whole matter, as we would judge many, perhaps even most, of the faculty to be. But some faculty members feel that the federal government is encouraging student distrust of faculty integrity.

(c) Environmental Protection Agency

Under the regulations of this agency the College has been required to undertake a number of steps. It spent $25,000 for a concrete tank rupture retaining wall for its oil storage bank. It will have to improve some of its sanitary sewers (at unknown cost), and the required emission control devices on its fleet of trucks result in a reduction in gasoline mileage. There will no doubt be more changes of this sort.

In general these are things that the College ought to do, though if it were setting its own priorities it is not clear that all these would have been at the top of the list. More doubtful is the requirement that oil, which is the College's most used fuel,

be of no more than 2 percent sulphur content. The added cost of fuel plus the additional surcharge on the electric bill may add as much as $100,000 to the annual energy bill. Low sulphur is a state-wide standard, and while it no doubt makes sense for Boston, the College is not persuaded that it does for the western part of the state. It has not been possible to detect any difference in the quality of Northern Berkshire air since the requirement was instituted.

(d) OSHA

In some ways the OSHA history has been typical of a number of new federal agencies and their laws and regulations. In the beginning the OSHA people seemed to be persuaded that the College was interested in killing and maiming its labor force; this at least is how they were perceived by College people who dealt with them. This strong adversarial relationship has gradually given way until relations appear to have become more cooperative. OSHA, which applies to all American industry and not just to higher education, seems to have changed with the new Administration. The Secretary of Labor is quoted on May 20, 1977 as follows: "There will be no more petty regulations like those dealing with coat hooks in bathrooms....We're going to stop the absurd practice of printing 15 pages of regulations, in small type, on the safety of ladders."

The Secretary announced a redirection of effort to important areas of health and safety.

This development will be a welcome one. The book of regulations is difficult to lift, let alone read. And the widely ridiculed section on ladders is unbelievable. The impact on the College has been significant; as in the case of EPA most of the changes required are things that should be done in any case. For example, many of the College's thousands of electrical outlets were not grounded - all of them had to be changed, at a cost estimated at $10,000. The College has now completed about 75 percent of this work; in the absence of OSHA it would have done the same thing, but over time as buildings were modernized and in the regular course of maintenance.

In general, OSHA has by now become a part of life in the College's Buildings and Grounds Department. Most of what is required makes sense now, and the OSHA inspectors by now have come to recognize that not everything can be done at once and that some things are more pressing than others. The College wistfully points out that federal, state and insurance safety and health inspectors now make 27 different inspections each year. Each one takes the time of responsible Buildings and Grounds personnel, who wonder whether it would not be possible to combine some of them.

(e) Provisions for the Handicapped

Section 204 of the Rehabilitation Act of 1973, is administered by HEW. It is not yet clear what it is going to entail. Potentially it could impose enormous costs on the College; it remains to be seen how it will work out. The benefits to Williams or its students are not obvious. There have been, and no doubt will continue to be, very few handicapped students or faculty at the College, largely because the severity of the winters and the hilly campus terrain is such that handicapped people do not come. There has been no wheel chair case at the College within memory of people now there; an occasional blind student enrolls - perhaps one every four years or so. The snow of course makes it difficult for the blind as well as those confined to wheel chairs to get around.

The College expects these conditions of nature will continue to make Williams generally unattractive to the handicapped in the future, no matter what it does to its physical plant. If this is the case it hopes that blanket regulations will not make it necessary to make costly alterations for a clientele that will not come anyway. For the occasional handicapped student the College can arrange dormitory and

class rooms on the ground floor, and usually make possible a relatively normal regimen.

Basically, the law says "there must be access to physical facilities" for the handicapped. For new or remodeled facilities this means ramps, special toilet facilities, elevators and so on, which are incorporated in the construction, and which almost always add to cost. Thus a ramp in a new studio added $4,000, a ramp and toilets in a renovated music building added $2,500, elevator controls and toilets in a new library and renovated old library added $20,000.

But the real question is whether older buildings need to be put into conformity. If all buildings had to be made "accessible" to wheel chairs, probably 50 elevators would be required. At $100,000 each this would cost an enormous $5 million. The uncertainty of all this is the most worrisome aspect. New construction can be adapted, though at a cost as we have seen. On a campus whose oldest existing building was constructed in 1790, making the entire plant accessible would be an enormous and prohibitively costly task. The College is convinced that no rational benefit-cost notions would justify this; it is also convinced that wholesale changes of this sort might bankrupt the institution. Its hope is that the administration of

this law will be "reasonable," as has been the case in time with the others. But it has viewed with some dismay the recent South Carolina Federal district court decision requiring Converse College to hire an interpreter for a deaf student enrolled in one course in its summer session (HENA, July 29, 1977, p. 3). On the other hand, a statement on July 29 by the director of the Office of Civil Rights is quite reassuring on what the law requires (HENA, August 5, 1977). How it will all come out ultimately is not yet clear, but it is a matter of real concern.

IV. New Entry by Old Agencies

In recent years several old-line federal agencies have made their presence felt at Williams and other colleges, either in new ways, or significantly more forcefully. A few of the more important deserve at least brief mention.

(a) The Veterans Administration

Many institutions regard Veterans Administration "intrusion" into the academic process with very real foreboding. Since there are never more than one or two veterans enrolled at Williams, no problems connected with them have emerged. The famous 85 percent rule, which so concerns many large urban institutions, plays no role on the Williams campus.

(b) The Internal Revenue Service

Almost as though it felt that it was being left out of an act in which it badly wanted to participate, IRS has recently raised a number of new issues. These have been more of a nuisance than anything else. But they have required a considerable investment of time by senior administrators, and have caused the College to incur legal fees in significant amounts.

Like many other institutions, Williams has for many years had a fringe benefit for its faculty and

administrators which helped put their children through college. The College paid any college (including Williams) either half the Williams tuition or full tuition (whichever was less) for undergraduate attendance of up to four children per family. For many years the IRS regulations made clear that such subsidies were not regarded as income for income tax purposes. It is true that the question had been raised from time to time about the propriety of such a regulation (and many economists regarded it as simply wrong). But it persisted for many years and of course to its beneficiaries it was a most important benefit. Something over a year ago IRS announced its intention to change its benign ruling and to require the College (and others) to report the subsidy as taxable income. IRS soon backed down, largely because of the violent reaction of other groups like airline employees who were receiving benefits in kind from their employers. So the change was not made to the great relief of (mostly private) higher education. There is of course always the chance that the issue will be reopened.

At about the same time, IRS raised another question at Williams which the College regarded as the height of silliness. Williams regards itself as an institution where close student-faculty relationships

are important. Some years ago the College obtained a series of foundation grants, and when these ran out appropriated its own funds, to make it possible for faculty to eat lunch free of charge in any of the College dining facilities. This was done of course to encourage faculty to eat with students at lunch time. The IRS, upon learning of this, decided that the value of the meals would have to be regarded as income and hence was taxable. The issue is still open and is now on its way to court.

A final example will suggest why the College has wondered whether IRS couldn't discover more important problems somewhere in the universe. The College has for many years offered its tenured faculty first or second mortgage money up to a fairly low maximum to help with the purchase or construction of a home, and to encourage faculty to live close to the campus. Rates for these mortgages have been two or three percent below going bank interest rates for first mortgages. IRS decided that the difference between the College interest and what it would have cost in the open market would have to be regarded as "income." Since this added income is interest which is tax deductible, the increase in income is exactly offset by an increase in deductions. The added paper work thus yields no tax income to the

government, but all concerned are going through the extra motions for the sake of "consistency."

(c) Unemployment Compensation

The College became subject to the Employment Security Act in 1972. The College operates under the reimbursement method, which is less expensive than paying the premium since employment is relatively steady, and which essentially means that the College self-insures. The system has had a significant impact on its employment practices, largely because of the peculiarities in the way Massachusetts runs its system. For one thing there is no longer the possibility of hiring people for nine months, for nine months pay, since regardless of the terms of employment the person is eligible for unemployment compensation when the job ends (we are discussing wage-earners like dining room help, not faculty who are hired for one or more years). The College now tries to provide year-round employment to those it hires, which is not always easy.

Another quirk in the Massachusetts law is that anyone reaching the mandatory retirement age is regarded as having been laid off and is eligible for a year's unemployment compensation (minus the employers

contribution to any pension). This is an interesting provision in view of the requirement that there be no age discrimination in hiring.

In spite of attempts to adapt to these various requirements, the College's costs have risen during its four years of experience from less than $10,000 the first year to somewhere between $60,000 and $70,000 in the current year.

(d) The Employee Retirement Security Act, (ERISA)

This act was passed in 1973. The College had long been a member of TIAA-CREF for its faculty. At a cost of some $200,000 it extended this plan to all employees in order to be in compliance with ERISA. While this move was expensive, it was proper to do it since the non-faculty plan that was replaced was quite unsatisfactory; the College had been planning to replace it in any case.

Fortunately TIAA-CREF met essentially all the ERISA requirements and almost no substantive changes have had to be made. There was, however, a substantial amount of paper work required, mostly based on broader industrial experience with retirement plans that fell well below standards. The College was required to issue to all its employees "Summary Plan Descriptions" running to many pages of legal language

that required another lawyer to interpret. The crowning blow came when ERISA regulations required the distribution of instructions to employees on how to sue the College if real or assumed grievances existed. To suggest that all this bewildered the employees - faculty and wage-workers alike - is stating it mildly. It is another example of the adversarial notion that so permeates federal regulations and is so alien to most academic situations.

V. Federal Funds

Federal funds in the form of student aid and research grants come to Williams at a rate of about $500,000 annually. Student aid funds have been increasing recently; research grants have no observable trend but vary substantially from year to year.

(a) Student Aid Funds

The largest amount of student aid from the federal government comes in the form of Basic Economic Opportunity Grants. Some funds under the SEOG, the NDSL and College Work Study Programs are received as well. The total for the year 1976-7 was $205,000; the total student aid item in the College budget, including federal funds, was about $1,600,000 in that year. Federal participation is thus some 12 percent of the total, and may rise modestly from that percentage in the near future.

There is significantly more red tape in handling federal funds than in handling College funds. The Student Aid Office reports that it has employed, so far, one extra clerk (about $6,000 per year) in order to handle the extra clerical work involved in participation in the federal programs, but this is recognized

as a bargain. The office feels able to comply with the various requirements and at the moment does not regard the application procedures as overly burdensome. As with any unit dealing with the federal government, it would like information sooner than it now gets it (or ever will get it) but, given the benefits overall, is willing enough to live with the present situation, although keeping up with the constant stream of federal regulations and new forms is discouraging and time-consuming.

There is one area of long-standing and basic disagreement between the College and the federal government that deserves mention. Along with fellow member institutions in the Consortium on Financing Higher Education (COFHE), Williams feels that the formula for determining the amount of federal funds for SEOG, NDSL and College Work Study grants discriminates against high-cost, high-quality private institutions. The basic point seems to be that an institution that diverted its own unrestricted funds to low income students before the government entered on a significant scale, as COFHE members almost all did, is regarded as less "in need" because of this when the federal funds are allocated. Consortium efforts, which have been strongly supported by Williams, to secure changes in the regulations have met with little success.

(b) Research Grants

Williams is an undergraduate teaching institution, not a research university. The College provides a generous leave policy, and has funds for small grants to help with typing or occasional travel connected with research. But it does not budget research funds to its departments or faculty as a regular matter, except to some extent in the sciences where special private grants for the purpose have been received. Nonetheless, research does go on at a substantial pace. Research output is an important element in the hiring and promotion process, and the quality of the faculty assures a continuing participation in research.

Faculty members typically do their research while on leave, during academic vacations, and summers. Some of them have grants from foundations, others do not. Where they have grants they have applied for them as individuals, though occasionally a group may apply through the College. As an example of the latter, the Center for Development Economics is supported by foundation grants, one component of which is for research. Occasionally a grant is used to buy teaching time from the College, but this is not the usual pattern.

Federal research funds go almost exclusively to the science faculty, and come almost exclusively from NIH and NSF. In 1975-6, for example, $200,000 in grants were awarded to 16 faculty members in chemistry, physics, biology, geology and psychology. Some of these are tiny grants, some fairly large and extend over several years. In 1975-6 the College received $52,000 in overhead, nice incidental income but hardly central to the College's finances.

These federal grants are important to the intellectual life of the science faculties. They finance summer field trips, pay for student employment, and assure a flow of publications. But they are financially what might be called "wash items." If faculty apply for and receive them, they enter the budget both as income and expense items, and in equal amounts. The overhead no doubt no more than pays for administering them. If the grants did not exist the College would suffer intellectually but not financially. The difference between this situation and that of a research university should be clear.

The scientists who apply for these grants, successfully or not, report that they are harder to get, but the record does not yet support this and they may simply be reacting to the reputed reductions in budget in Washington. The random element of who happens to

be around and how good at grantsmanship he or she happens to be is too great for judgment about the overall short run situation. In any event those who apply to not report that the application or the reporting process have become any more difficult.

VI. Conclusions, Including Costs and Benefits

There remains the problem of putting it all together, of summing up all these very different programs and of trying to assess their impact on Williams College. The first point to make is that there is nowhere on the campus disagreement with the purposes of federal laws and regulations. People at Williams believe in affirmative action, equal pay, education of blacks, decent retirement plans, clean air, and safe conditions for employees. Most, though not all, of these were College goals well before the federal bureaucracy embraced them. This agreement on fundamental goals is important because it has meant that disagreements, which were inevitable, were on matters of procedure or detail, not of basic purpose.

There can be no doubt that one impact of these programs has been to introduce a great deal of red tape into the administrative life of the College. The College used to be small and informal and personal. Formality and impersonality become characteristic when dealing with Uncle Sam. Application forms in quintuplicate replace the casual phone call. Files have exploded in volume, many of them incidentally not required, but kept anyway "just in case." People

everywhere are aware that society has become more litigious, or at least potentially so. At Williams there has as yet been no suit brought by a student seeking to have a grade raised, or by a faculty member claiming arbitrary treatment (except for one claim of sex discrimination). But everyone is now aware that the possibility is there, and indeed that these things are happening elsewhere, and so voluminous files are built up to defend against what everyone hopes will not happen. So everyday life has become more complicated, and decisions are reached more slowly and only after all bases have been touched.

Agreement on the basics has not eliminated disagreement over the implementation. The preceding pages have made clear that disputes have been many - some petty, some quite important in the minds of College officials. The most irritating aspect of many of these has been referred to at various points in this report: an adversarial attitude brought by government inspectors to their task, particularly as they begin their enforcement efforts. In part this is because many of these new laws - OSHA and ERISA are good examples - apply to all of industry, not just higher education, so that they and their regulations are written in large part for conditions alien to a college campus. In part it is because many practices in higher

education are unique and difficult for outsiders to understand. Colleges do not hire by calling the union and having them send along the political scientist at the head of the union queue. And it is perfectly possible for there to be two candidates for a faculty position with identical paper records, one of whom is highly promising and the other quite impossible. This is not easy for many government people to understand.

We have referred earlier to what appears to be a cyclical course common to many of these programs. The government attitude at the beginning is hard, mechanical and unrealistic. It clearly believes that the institution wants to violate the law, and would if it thought it would not get caught. Then there is a gradual move toward more reasonable positions, presumably as government learns more about current practices. And this leads finally to an adjustment in which at best an uneasy understanding tends to replace mutual suspicion. This is not to say that disagreements disappear or ever will; but the College does learn to live with the law and the regulations and the government does move toward achieving its desired goals.

We would repeat another point made earlier. With respect to affirmative action and equal rights,

probably the most important element in the new federal entry, the fact that Williams made its decisions in the sixties to increase minority representation in its student body and to move to coeducation meant that it began its active search for female and minority faculty before the federal requirements became effective. For the institution's educational purposes women and blacks were needed on its faculty and were actively recruited. This would have happened regardless of the federal government's discovery that justice demanded it. So the question at Williams was never whether and to what extent it would alter its policy to conform to the new laws; it had already done so. Questions did remain, of course: for example, the College decided to recruit almost all its women faculty as assistant professors, which is the way it has always recruited its male faculty. This meant that it would be years before women in any numbers showed up in the tenure ranks. Question about this has not been raised, but it could be a point of disagreement on implementation.

We have mentioned the cost of uncertainty in connection with several federal programs, and this should be reiterated. The uncertainty is in not knowing how to be in compliance, or whether one is. For example, the "truth in advertising" requirements impinge on what can be said in the College catalog

about careers followed by alumni without creating an implied, and litigable, contract with students that a career in medicine or law is guaranteed. The link between a liberal arts education and future careers is tenuous at best, though it is there. But can it be claimed without misleading?

The benefits and costs of all this are elusive indeed. On the benefit side the question is whether the College is different because of it all, and if so whether it is better. On purely financial grounds there can be no question. The half million dollars that come in each year are clearly important and helpful. What it all costs is not possible to estimate, but it is clearly no more than a fraction of that figure: the business officer's off-the-cuff estimate is $200,000, ours would be modestly less than that. But this is not the real issue.

Responsible people at Williams, after recalling the irritations and the red tape, uniformly feel that on balance the adverse impact has not been substantial enough to call for condemnation - "there is nothing here we can't live with." Furthermore they are willing to admit that they are now more conscious of the social goals they all believe in and as a consequence may well be doing a more thorough and better job. There are exceptions of course - the two percent sulphur fuel may well be one, and the potential of

that law regarding the handicapped is worrisome. They also hope that the pace of new legislation in the next half dozen years is now what it was in the last, and they don't think it will be.

But if the College has learned to cope with its new partnership with the Federal government, if the relationship, while still uneasy, is becoming more comfortable, or at least less uncomfortable, doubts and worries about the future persist nonetheless. Much of the activity devoted to procedural correctness and record-keeping is performed without conviction as to its importance. And this investment of time would otherwise be committed to teaching, planning, research and other activities that are fundamental to a high quality college.

Worries about the future also take the form of specific questions. How much greater will the Federal involvement become? Is the General Accounting Office likely to start its own audits on top of those of the IRS? Is the Federal Trade Commission, for the purpose of protecting the "consumers" of higher education, likely to issue regulations that will affect admissions, publications, student job placement, or even course content? Can a college maintain its distinctiveness and - more importantly - its excellence in the face of the homogenizing influence of government regulations

that both define social goals and methods of achieving them? The best and healthiest colleges and universities maintain an ethos of community. Can they continue in fact to be communities when they are forced into many operating procedures based on the assumption that students as "consumers" must be protected from fraudulent and abusive treatment by their teachers, and that administrators and trustees are the adversaries of faculty members rather than partners in a common enterprise?

As for the present the situation seems to be about as follows. Up to now the College hasn't been hurt much, though it has been frightened a time or two and irritated more than that. Some of the new requirements may have been helpful in ways hard to measure. Have they made the College different in any significant way? There is that half million dollars, and the bells now ring when the College trucks back up. But the faculty and student body and the curriculum and the courses, which are the bottom line of any higher education institution, do not appear to be different in perceptible ways from what they would have been without all the noise.